

FILED

AUG 08 2013

DAVID CREWS, CLERK  
BY Deputy

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
~~WESTERN~~ DIVISION

OXFORD

GLORIA HOLMES

PLAINTIFFS

VS.

NO. 3:13CV203-D-A

GGNSC BATESVILLE, LLC D/B/A  
GOLDEN LIVING CENTER; FRESENIUS  
MEDICAL CARE SARDIS AND  
JOHN AND JANE DOES I-X

DEFENDANTS

NOTICE OF REMOVAL

COMES NOW Defendant GGNSC Batesville, LLC d/b/a Golden Living Center ("GGNSC" or "Defendant"), by and through counsel, and files this its Notice of Removal of this action to the United States District Court for the Northern District of Mississippi, ~~Western~~ <sup>Oxford</sup> Division, and sets forth the following grounds for removal, to-wit:

1. This Notice of Removal is filed pursuant to 28 U.S.C. §§ 1332, 1441, and 1446.
2. Plaintiff Gloria Holmes ("Plaintiff") filed this action against Defendants on or about March 19, 2013 in the Circuit Court of Panola County, Mississippi, Second Judicial District. GGNSC was served with process on or about July 9, 2013. Pursuant to the provisions of §§ 1441 and 1446 of Title 28 of the United States Code, Defendant timely removes this action to the United States District Court for the Northern District of Mississippi, ~~Western~~ <sup>Oxford</sup> Division, which is the judicial district and division in which the action is pending.

3. The complaint asserts a claim for damages based upon alleged negligence, medical malpractice and deviations from the standard of care by both defendants.

4. Co-Defendant Fresenius Medical Care Sardis was served with process on July 15, 2013 and will timely file a joinder in this removal.

5. Removal of this action to the United States District Court is proper under 28 U.S.C. § 1441(a) and (b), given that there is complete diversity of citizenship between Plaintiff and the Defendants. The United States District Court would, therefore, have had original jurisdiction of this matter pursuant to 28 U.S.C. § 1332 had the action originally been filed in Federal Court. Defendant's Notice of Removal is timely because the Notice was filed in this Court within thirty (30) days after receipt by this Defendant "of a copy of an amended pleading, motion, order or other paper from which it may first be ascertained that the case is one which is or has become removable. . . ". 28 U.S.C. § 1446(b). Defendant files a copy of all process, pleadings and orders served on said Defendant in the action.

WHEREFORE PREMISES CONSIDERED, Defendant GGNSC-Batesville, LLC d/b/a Golden Living Center prays that this Court will exercise jurisdiction and proceed with the handling and disposition of this case, and all claims asserted herein, and that all further proceedings in the Circuit Court of Panola County, Mississippi, Second Judicial District be hereby stayed.

Respectfully submitted this the 8<sup>th</sup> day of August, 2013.

**GGNSC-BATESVILLE, LLC D/B/A  
GOLDEN LIVING CENTER,  
Defendant**

By: 

**L. BRADLEY DILLARD  
Mississippi Bar No. 10114**

**OF COUNSEL:**

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**CERTIFICATE OF SERVICE**

I, L. BRADLEY DILLARD, one of the attorneys for Defendant GGNSC-Batesville, LLC do hereby certify that I have this date forwarded, via e-mail and United States Mail, postage prepaid thereon, a true and correct copy of the above and foregoing Notice of Removal to the following counsel:

R. Todd Willis, Jr., Esq.  
John F. Hawkins, Esq.  
Hawkins/Gibson, PLLC  
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[todd@hgattorneys.com](mailto:todd@hgattorneys.com)

THIS the 8<sup>th</sup> day of August, 2013.



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L. BRADLEY DILLARD